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April 24, 2015

**COVER LETTER FOR:**

**An Open-Letter Regarding The CAFT's  
Failure to Properly Investigate For Its  
Report on The Steven Salaita Affair.**

I provide this cover letter to briefly summarize the attached open letter I've written the University of Illinois Urbana-Champaign ("UIUC") Committee on Academic Freedom and Tenure ("CAFT") regarding its failure to properly investigate for its Report on the Steven Salaita affair that occurred at UIUC during the Summer of 2014.

Note that I've written the attached open letter on the basis of **several hundred single-question FOIAs**<sup>1</sup> I or DDoS-FOIA sources to my website have filed with UIUC, the results of which include a large number of **never revealed** emails by UIUC's Chancellor Phyllis Wise and other top administrators of UIUC that raise significant questions of their much greater involvement in the Salaita affair than's been revealed to this point.

In this open letter I query why the CAFT was never provided this critical information by UIUC, and also why the CAFT never sought to actively demand information from UIUC, including by filing its own FOIAs with UIUC when UIUC was not forthcoming. While some of the analyses done by the CAFT probably are fact-independent, most are heavily fact-based. Therefore, the absence of adequate fact-gathering by the CAFT raises real questions of what, if anything, of the Report the CAFT issued is valid.

In the attached open letter I also note that, although the grievance letter sent to the CAFT by UIUC Professors Warrior and Diaz contained no claim to donor pressure at all, much less pressure by donor Jews, the CAFT chose to address this point in its Report, but only by quoting Wise's own statement on Wise's actions. Given that the CAFT chose to address this issue, they undertook a duty to **actually investigate**, and not just recycle Wise's own statement.

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<sup>1</sup>Very briefly, I file FOIAs as one question per FOIA in order to prevent UIUC's routine rejection of multi-question FOIAs as "unduly burdensome." The number of FOIAs filed is actually not large in terms of breadth; UIUC likes to quote the larger number in order to imply I represent a profligate expenditure of their FOIA office's time.

In the attached open letter I point out that the question of pressure by “donor Jews” is more broadly a question of pressure by donors **generically**. In this regard I provide substantial circumstantial evidence that the more likely pressure on Wise came from Carle hospital and the local businesspeople who stand to profit enormously from Wise’s proposed “College of Medicine” (“COM”). The CAFT did no service to anyone – especially Jews – by raising the donor Jew issue and then failing to address it, as well as failing to raise much less to address the likelihood of the real pressures coming from Wise’s continuous work to get the COM approved.

I conclude this cover letter with the following skeletal summary of the points I make in the attached open letter:

1. The CAFT Report is fundamentally flawed because the CAFT prepared it without adequate fact-gathering. Specifically, UIUC was not forthcoming with facts that additional FOIAs have revealed, and the CAFT committee failed to aggressively ask for necessary facts or to seek them by filing FOIA;
2. Since the evidence gathered by the CAFT for its Report was inadequate, the analysis is also inadequate;
3. Therefore, the CAFT must **reopen its investigation**; and,
4. When the CAFT reopens its investigation, it must thoroughly investigate the question of donor pressure – including particularly **non-Jew** (Carle hospital) donor pressure – instead of relying only on Chancellor Wise’s own statement about her actions.



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April 24, 2015

**An Open-Letter Regarding The CAFT's  
Failure to Properly Investigate For Its  
Report on The Steven Salaita Affair.**

**To the University of Illinois Urbana-Champaign ("UIUC") Committee on Academic Freedom and Tenure ("CAFT"):**

1. In December, 2014, you released a much-anticipated investigative report (the "Report") on facts related to the Steven Salaita affair of Summer, 2014.<sup>1</sup>
2. **WISE'S NEVER SEEN FREE-SPEECH EMAIL.** On February 11, 2015, I wrote you<sup>2</sup> that you'd apparently never received or reviewed an email written by UIUC Chancellor Phyllis Wise to an unknown (redacted) letter-writer, an email in which Wise herself clearly champions the free-speech rights of Salaita, something no other report (including yours) revealed she had done:<sup>3</sup>

**From:** Wise, Phyllis M  
**To:** [REDACTED]  
**Cc:** Easter, Robert A; Clements, Vicki; [REDACTED]  
**Bcc:** Kaler, Robin Neal  
**Subject:** RE: President Easter & Chancellor Wise: very important  
**Date:** Tuesday, July 22, 2014 8:42:00 PM

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Dear [REDACTED]

Thank you for reaching out to us. As you know, our faculty have a wide range of scholarly and political views, and we recognize the freedom of speech rights of all of our employees. However, when people join our university community, we hope they embrace our core values of collegiality and respect for those whose points of view are different from their own.

At Illinois, our strength comes from our ability to work collaboratively to solve society's grand challenges.

Sincerely,  
Phyllis

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<sup>1</sup>Comments and Report available at [CAFT Report](#).

<sup>2</sup>Where appropriate, I have included the emails and other documents I refer to in this open letter on [samizdat-startups.org](#).

<sup>3</sup>Wise email from UIUC-FOIA production 15-015, released 2/16/15 by UIUC-FOIA, provided to me by a DDoS-FOIA contributor. See, generally, [DDoS-FOIA Marvels Everywhere](#). For more specifics of the Wise quote, see [Wise on Free Speech](#).

3. In response to my disclosure to you of this critically important email that had never been revealed by Wise, UIUC, or any other source, your Chairperson David O'Brien emailed me promptly the same day to thank me for my "interest and help ...," and invited me "... to share anything else you find relevant to our investigation."
4. Between February 11 and March 20, 2015, I did exactly as you'd suggested, and sent a number of other update emails to you in which I queried what actions you planned to take regarding the information I was uncovering.
5. On the 20th I informed you that I was taking the necessary next step based on what I'd been finding, specifically that I was writing an open letter to you and to various other organizations regarding the lack of disclosure or review of this information.

I also informed you that there appeared to be multiple errors and omissions in the timeline portion of your Report (Appendix A), and asked if anywhere in your Report you provided pinpoint cites to the entries in that timeline that would allow verification of those entries.

6. **"OUR INVESTIGATION ... IS NOW CLOSED."** On the same day (March 20), you responded that, regarding my query about errors, omissions and pinpoint cites,

Our investigation into this matter is now closed. Thank you for you interest and good luck with your own investigation. Yours sincerely, David O'Brien.

7. On March 23, 2015, despite your statement that your investigation was closed, I emailed you to inform you that:

- **NO LIST OF DOCUMENTS REQUESTED AND DOCUMENTS ACTUALLY PROVIDED.** Your Report **nowhere** lists what documents you were provided by UIUC, nor does it list what documents you asked for. The Report does state that the Board of Trustees ("BOT") was not especially cooperative,<sup>4</sup> but is completely silent as to what information UIUC cooperated in providing you as part of your evidence-gathering.
- **NO INDICATION OF HOW MANY OF THE 1,600 PAGES OF AVAILABLE FOIA DOCUMENTS YOU SOUGHT, OBTAINED AND REVIEWED.** Your Report **nowhere** indicates which of the many documents obtained by various members of the public under FOIA you sought or reviewed in conducting your investigation.

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<sup>4</sup>According to your Report, only one Trustee – James Montgomery – responded to your inquiries, and he merely referred you to public comments he'd already made. CAFT Report, page 7.

Specifically, between August 6 and December 11, 2014, UIUC received at least 27 FOIA requests relating to Steven Salaita and produced a total of about 1,600 pages of documents for the 12 requests that it did not reject as “unduly burdensome.”<sup>5</sup>

While there is a significant amount of duplication in these 1,600-odd pages, there are still likely 1,000 or more pages of unique emails and documents after de-duplication, a great many of which your committee seemingly **never** reviewed, since they never figured in your Report.

- **ADE’S “HE ACCEPTED THE OFFER ... IT IS FINAL.”** I gave several examples of emails you had apparently never reviewed. For example, when you discussed the question of how much Chancellor Wise communicated with the faculty in her decision-making on Salaita, you concluded that Wise had not done any such consulting based only on Wise’s **own** statement to you on November 14, 2014, of what she had done:

[Wise] confirmed that she had not consulted with the Provost, the Dean of LAS, or other faculty representatives about her decisions not to forward Dr. Salaita’s offer of appointment to the Board of Trustees [BOT] and to notify him in advance of this decision. ... [Wise] attributed ... [this] neglect of shared governance to the rapidity with which decisions had to be made.<sup>6</sup>

However, as I pointed out to you in my March 23 email, in fact there’s a **highly** relevant exchange between Christophe Pierre (UIUC VP Academic Affairs) and Ilesanmi Adesida (UIUC Provost) on July 22, 2014, that shows that Wise had **certainly** brought senior academic personnel into the loop about Salaita until at least shortly before the decision not to forward Salaita’s offer of appointment, a decision your Report says likely occurred in the BOT meeting on July 24, 2014.<sup>7</sup>

Consider the following two emails that you apparently never saw, the first from Pierre to Adesida on the morning of July 22, 2014,<sup>8</sup> regarding

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<sup>5</sup>These FOIAs are: 14-529 (16 pp); 14-535 (143 pp); 14-536 (2 pp); 14-538 (204 pp); 14-540 (16 pp); 14-544 (78 pp); 14-565 (644 pp); 14-579 (2 pp); 14-591 (55 pp); 14-617 (179 pp); 14-652 (48 pp); and, 14-748 (14 pp).

<sup>6</sup>CAFT Report, pp. 8-9. I note that nowhere in your Report do you indicate: 1) whether Wise made these statements in the presence of her lawyers; 2) whether you submitted the questions you posed to Wise in advance or if they were instead spontaneous/unrehearsed; and, 3) why you failed to include a transcript (or redacted transcript) of the interview with Wise.

I raise these questions because they’re directly relevant to how forthcoming Wise actually was in the conversation, and also of how probing you were in your questioning of her. Frankly, I’m a bit surprised you neglected to include this information in your Report.

<sup>7</sup>CAFT Report, pp. 6-7.

<sup>8</sup>That is, the **day after** Chancellor Wise first began asking about Salaita.



the finality of Salaita's acceptance of UIUC's employment offer:

**From:** Pierre, Christophe  
**Sent:** Tuesday, July 22, 2014 11:34 AM  
**To:** Adesida, Ilesanmi  
**Subject:** Salaita

Ade, do you know if he has accepted the offer? Is it final?

Thanks,

Christophe

and the second Adesida's rather **emphatic** response that evening:

**From:** [Adesida, Ilesanmi](#)  
**To:** [Pierre, Christophe](#)  
**Cc:** ["Wilson, Barbara Jan"](#)  
**Subject:** RE: Salaita  
**Date:** Tuesday, July 22, 2014 6:38:00 PM

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Christophe,

He accepted the offer; this had been done since September last year! It is final.

Ade

As I'd told you in my email of March 23, I obtained these emails in a **public** document you should have had access to, specifically, FOIA 14-565, a 644 page FOIA production UIUC provided to Jodi Cohen of the *Chicago-Tribune* on September 9, 2014. Although Ms. Cohen apparently never posted this FOIA result for public consumption,<sup>9</sup> you could easily have obtained it and the rest of the 1,600 pages of FOIA results merely by **asking UIUC to provide all relevant documents obtained by FOIA on Salaita**.

Alternatively, if **asking** had failed to produce results, you could have done as one of my DDoS-FOIA contributors did, which was to file FOIA **directly** with UIUC to obtain all these previous Salaita-related FOIA results.<sup>10</sup>

In the event, it appears you took neither of these courses of action, for reasons that are ... well, quite frankly, not readily apparent.

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<sup>9</sup>Email exchange between Scheinman and Cohen on 3/23/15. This is in contrast to the *News-Gazette*, which posted at least some of the FOIA results it had obtained from UIUC.

<sup>10</sup>FOIA 14-849, filed 12/22/14, FOIA production on 1/9/15.

**8. PASSIVE ACCUMULATION OF FACTS VS. ACTIVE INVESTIGATION.**

As I've already said, you could easily have obtained the Pierre/Adesida exchange above as part of your investigations, since that exchange was readily available **at the time you were investigating for your Report** as a FOIA document that, apparently, you neither asked for nor were provided. As I've also said, in addition to this single exchange, you could have but apparently did not ask for or obtain any of the documents that had already been produced to others in the 12 FOIA productions totaling 1,600 pages made by UIUC during fall, 2014.<sup>11</sup>

This raises the question of what efforts you undertook to **actively seek** information that hadn't already been made available in public releases by UIUC or various media outlets, or via public FOIA results obtained by others.

**9. EVIDENCE YOU COULD HAVE OBTAINED BY FILING YOUR OWN FOIAS.** In this regard, consider the facts either I or various DDoS-FOIA contributors to samizdat-startups.org obtained by filing straightforward FOIA requests on likely highly informative subject matter:

- **IF YOU HAD SOUGHT WISE'S CALENDAR FROM 7/21 TO 8/3, YOU WOULD HAVE FOUND THAT WISE CALLED ROBERT WARRIOR ON 7/23.** It's very standard in any investigation of a series of events to gather calendar information on the people involved. Nowhere in your Report do you indicate you did this, not even for Chancellor Wise.

Had you done so, you'd have discovered that, on July 23, 2014, Wise had a 4:30 pm phone call with Dr. Robert Warrior – one of the originators of the complaint that resulted in your committee's work – topic unknown.<sup>12</sup> This fact would have filled in a critical point in your Appendix A timeline; it would also have perhaps led you to ask Dr. Warrior what he and Wise discussed that afternoon, with the critical Board of Trustees meeting coming up early the next morning.<sup>13</sup>

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<sup>11</sup> Again, I have listed these 12 FOIAs in footnote 5.

<sup>12</sup> See FOIA 15-019, provided by a DDoS-FOIA contributor.

<sup>13</sup> Note that I've filed FOIA to obtain Warrior's emails during this critical period. Because samizdat-startups.org is classified as a "recurrent requester" by UIUC-FOIA, I don't expect to obtain these documents for another several months. See also UIUC-FOIA and "ClowerPower."

Also note that Dr. Warrior could of course himself detail what he and Wise discussed in this conversation. In this regard on February 23, 2015, I sent Dr. Warrior the following query:

Dr. Warrior: I see from the attached calendar of Chancellor Wise's (provided to me by a source) that you had a conversation with her on July 23 at 4.30, i.e., after the meeting she had where she got the "two-pager" and at just about the time when Steve Miller emailed her about Salaita.

I haven't heard any indication of this call being publicly discussed, and would like to talk to you first before I release further details.

- **THOUGHTFUL FILING OF A FEW FOIAS WOULD HAVE GIVEN YOU MORE CLARITY ON THE UNDISCLOSED EVENTS AROUND THE TIME OF THE BOT MEETING ON 7/24.** On page 20 of your Report, you make the peculiar comment that Wise's intervention in the Salaita affair:

... **may well have** been planned jointly with the President and the Trustees and was certainly done with their knowledge ...  
(Emphases added.)

While you offer no explanation in this section of your Report for this supposition, presumably you based it on the marked inconsistency between 1) Wise's statement that she understood the joint conclusion of the executive session of Wise and the BOT on July 24 was that the Trustees would **not** support Salaita's appointment,<sup>14</sup> and 2) the only comment the Trustees were willing to make on the matter – that of Chris Kennedy, who said the Trustees

... weren't saying if you [Wise] recommend him we were not going to approve. We were never close to that."<sup>15</sup>

Given your apparent skepticism about how the decision-making at this meeting on the 24th between Wise and the BOT occurred, I query why you failed to either ask questions that would have resulted in more

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I should add that I'd previously written you to send you a copy of Wise's own support of Salaita's free speech rights, an email that UIUC never released and that I obtained by [way of a DDoS-FOIA contributor's] seeking all of her correspondence on a number of relevant days (July 21 through the 25th).

Best Regards, Andrew Scheinman

I note that Dr. Warrior has not yet responded to my query.

<sup>14</sup>On page 6 of your Report you state:

On July 24, the Chancellor and the Board of Trustees discussed Dr. Salaita's tweets in executive session. The Chancellor has told the investigating committee that she believed that ... it was the Board's decision to approve or disapprove his appointment. It was her understanding that, at the meeting, she and the Trustees had arrived jointly at the conclusions that the Board would not support Dr. Salaita's appointment and that therefore she should not forward the appointment to them.

<sup>15</sup>On page 7 of your report you state:

As part of our investigation, we invited the Trustees to comment on the Board's role in this matter and in particular on the meeting of July 24. Only one Trustee, James Montgomery, responded, and he referred us to the public comments he had already made. In published comments Trustee Chris Kennedy has stated that at this meeting the Board had not arrived at a position regarding Salaita's appointment: "We [the Board] weren't saying if you recommend him we were not going to approve. We were never close to that. (Internal cites omitted, bracketed text in original.)



clarity or to **actively** seek out that information by filing FOIAs if Wise and/or the Trustees were not forthcoming.

Consider the following previously unreleased evidence that I or various DDoS-FOIA contributors obtained regarding the events of the 23rd, that is, the day before the critical BOT meeting:

- **11:00 – 11:30 am** – The last of a series of morning meetings, Wise meets Menah Pratt-Clarke,<sup>16</sup> no topic of discussion listed.<sup>17</sup>
- **12:00 – 3:00 pm** – Wise travels to Chicago.<sup>18</sup>
- **3:00 – 4:00 pm** – A completely redacted entry on Wise’s calendar.<sup>19</sup> This was probably a meeting with the person who Wise later said had given her the “two-pager” document earlier that day – see the 12:00:00 am entry below.<sup>20</sup>
- **4:30 – 5:00 pm** – As I’ve already discussed, according to Wise’s calendar she had a call with Robert Warrior during this time-slot.<sup>21</sup>
- **4:31 pm** – Jewish UIUC alum/donor Steve Miller emails Wise and cc’s others<sup>22</sup> regarding Salaita. Note this email was obtained in earlier FOIA results and has already been extensively disclosed and discussed.
- **5:43 pm** – Pratt-Clarke emails Wise to follow up on Salaita:<sup>23</sup>

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**From:** Pratt-Clarke, Menah  
**Sent:** Wednesday, July 23, 2014 5:43 PM  
**To:** Wise, Phyllis M  
**Subject:** Board Approval

Phyllis,  
The faculty member has not gone to the Board yet.  
Menah

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<sup>16</sup>On her email’s address block Pratt-Clarke is listed as Associate Chancellor for Strategic Affairs, Associate Provost for Diversity and Associate Professor in Educational Policy, Organization and Leadership. As of the date of this open-letter, Pratt-Clarke is listed online as UIUC Assistant Chancellor and Director of the Office of Equal Opportunity and Access, adjunct professor in the College of Law and in the Department of African-American Studies. I have no idea when these job titles changed – the earlier titles suggest Pratt-Clarke was not primarily an administrator.

<sup>17</sup>FOIA 15-019 on the calendars of Phyllis Wise, Travis Smith and Dan Peterson for 7/21 to 8/1.

<sup>18</sup>Id.

<sup>19</sup>Id.

<sup>20</sup>The “two-pager” is now the subject of a lawsuit filed against UIUC-FOIA. See [CCR – Salaita](#) for a compendium of court documents.

<sup>21</sup>FOIA 15-019.

<sup>22</sup>Travis Smith, Tina Howard, Lawrence DeBrock and Dan Peterson.

<sup>23</sup>FOIA 15-014 on “all emails sent by Phyllis Wise between 4.30 pm cst on July 23, 2014 and midnight of that same day.” I lack the exchanges between Wise and Pratt-Clarke leading to this email.

- **5:58 pm** – Travis Smith<sup>24</sup> forwards to Molly Tracy<sup>25</sup> the 4:31 pm Steve Miller email to Wise that Smith had received as a cc; the only text in his message is “FYI.”<sup>26</sup>
- **6:11 pm** – Smith to Wise, cc to Dan Peterson and Tracy, re: Steve Miller’s email of 4:31 pm:

**From:** Smith, Travis Michael  
**Sent:** Wednesday, July 23, 2014 6:11 PM  
**To:** Wise, Phyllis M  
**Cc:** Peterson, Dan C; Tracy, Molly M  
**Subject:** Fwd: Scheduling a Call

Dear Chancellor Wise,

Dan, Molly, and I have just discussed this and believe you need to [REDACTED]  
[REDACTED]. If you wish to respond directly, please convey this by [REDACTED].

Notes regarding this email:

- (a) This email was obtained in earlier FOIA results and has already been extensively disclosed and discussed.
- (b) Both Peterson’s and Smith’s calendars for this day place them at the “Advancement Happy Hour (BIF Courtyard)” from 5:00 - 7:00 pm.<sup>27</sup> Assuming they were attending, this would mean that Smith emailed Tracy at 5:58 pm from the party, and that he coordinated with her and Peterson within a **13 minute window** to get the 6:11 pm email out to Wise.<sup>28</sup>
- (c) This is the **only** email Smith sent Wise during the **entire** 2 week period of 7/15 to 7/31.<sup>29</sup>
- (d) Finally, Peterson sent **no** emails on the 23rd.<sup>30</sup>

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<sup>24</sup>Senior Director of Development, UI Foundation and Director of Advancement, Illini Center, Chicago.

<sup>25</sup>Associate Vice Chancellor for Institutional Advancement and Associate Vice President, UI Foundation.

<sup>26</sup>FOIA 15-013 on “all emails sent between 4:30 pm and midnight of 7/23 by Travis Smith or by Dan Peterson or by Molly Tracy.”

<sup>27</sup>FOIA 15-019.

<sup>28</sup>I don’t know whether Tracy was at this party or not; she sent an unrelated email at 4:53 pm but there are otherwise no emails she sent until around 9 pm. See FOIA 15-013.

<sup>29</sup>This is the only email from Smith to Wise in FOIA 15-001, which was filed for “all emails between Chancellor Wise and Travis Smith for 7/15 to 7/31.”

<sup>30</sup>There are no emails from Peterson dated 7/23 in FOIA 15-027, which was a request for “all emails sent by Dan Peterson from 7/21 to 7/25.”

- **7:30 - 8:00 pm** – Last appointment indicated on Wise’s calendar after her previous appointment of the call to Warrior at 4:30 pm.<sup>31</sup>
- **10:08/10:09/10:11 pm** – A series of exchanges between Wise and Pratt-Clarke following up on Pratt-Clarke’s email to Wise at 5:43 pm on Salaita’s approval by the Board of Trustees.<sup>32</sup>

**From:** [Wise, Phyllis M](#)  
**To:** [Pratt-Clarke, Menah](#)  
**Subject:** RE: Board Approval  
**Date:** Wednesday, July 23, 2014 10:11:00 PM

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I’m [REDACTED]. Will call as soon as I am done.

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**From:** Pratt-Clarke, Menah  
**Sent:** Wednesday, July 23, 2014 10:09 PM  
**To:** Wise, Phyllis M  
**Subject:** RE: Board Approval

Yes that's fine

----- Original message -----

**From:** "Wise, Phyllis M" <[pmwise@illinois.edu](mailto:pmwise@illinois.edu)>  
**Date:** 07/23/2014 10:08 PM (GMT-06:00)  
**To:** "Pratt-Clarke, Menah" <[menahpc@illinois.edu](mailto:menahpc@illinois.edu)>  
**Subject:** RE: Board Approval

Are you still up. May I call you now?

- **12:00:00 am** – Wise sends the “two-pager” email which is now the subject of a FOIA lawsuit.<sup>33</sup>

**From:** [Wise, Phyllis M](#)  
**To:** [Peterson, Dan C](#); [Leanne Barnhart](#) ([leanne1@illinois.edu](mailto:leanne1@illinois.edu)); [Smith, Travis Michael](#)  
**Cc:** [Hsieh, Phyllis A](#)  
**Subject:** [REDACTED]  
**Date:** Thursday, July 24, 2014 12:00:00 AM

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Dan, Leanne, Phyllis and Travis,

I met with [REDACTED] today. It was a cordial meeting. The major points were:

1. He told me that our admissions people did not give people the impression [REDACTED]
2. He does not like [REDACTED]
3. He told me that his two older sons [REDACTED]
4. He offered to serve [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
5. He said that people like [REDACTED] should be used as ambassadors and be willing to say in public forums what they got out of Illinois. (Dan – this reminds me a bit of [REDACTED].)
6. He offered to [REDACTED]
7. He said that he knows [REDACTED] and [REDACTED] well and both have less loyalty for Illinois because of their perception of anti-Semitism. He gave me a two-pager filled with information on Steven Salaita and said how we handle this situation will be very telling.
8. We ended by saying that we would keep in touch and that he wants to help.

Phyllis

P.S. Phyllis: please see point #6.

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<sup>31</sup>FOIA 15-019.

<sup>32</sup>FOIA 15-014.

<sup>33</sup>See footnote 20.

To summarize, over the previous three pages I provided a granular timeline of events on July 23, 2014, that bear directly on Wise's decision on the 24th in the Board of Trustees executive session about Salaita. Please contrast this granularity that you could have obtained by actively seeking information with the **entire** entry in your Appendix A timeline for this day:<sup>34</sup>

July 23, 2014	Phyllis Mischo, Assistant to the Chancellor, asks Paula Hays, Administrative Assistant to the Dean of LAS, if Dr. Salaita has accepted the position and informs Chancellor Wise that he has.
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Clearly you missed an opportunity here for better fact-finding.

10. **THE AMBIT OF YOUR INVESTIGATION — FACT-GATHERING GENERALLY.** Your investigative committee exists as a result of statutes and other documents that define the balance of powers of the faculty, administrators and Board of Trustees of UIUC.<sup>35</sup> Your Report on the Salaita affair exists because the grievance letter Professors Warrior and Diaz sent you raised a question of whether those powers had been appropriately exercised by Wise and the Board in the Salaita affair – in the words you used frequently in your Report, a fundamental question of “shared governance.”

Previously in this open letter I addressed general questions relating to the extent of your evidence-gathering, since both by the rules enabling your committee and your own statements it's clear that active evidence-gathering was well within the ambit of your duties in preparing your Report. And, having asked the question of how much investigating you actually did, I think it's fair to say I've raised significant questions regarding your diligence in this regard.

I now turn to a very specific question – whether your mandate fairly included investigation of the question of pressure by rich donor Jews on Wise and other UIUC administrators. And, if so, whether you did sufficiently investigate this question.

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<sup>34</sup>As an aside, I previously discussed the conversation between Pierre and Adesida regarding Salaita's having accepted UIUC's offer of employment (see page 4); given that interchange occurred on 7/22 it's possible that Wise was aware of Salaita's acceptance **before** this entry in your timeline suggests.

Note this theory would also fit with Wise's question to Pratt-Clarke on the 23rd (page 7) regarding whether the appointment “had gone to the Board,” rather than whether Salaita had accepted it.

<sup>35</sup>See CAFT Report, page 4.

**11. THE AMBIT OF YOUR INVESTIGATION — FACT GATHERING SPECIFICALLY ON PRESSURES BY DONOR JEWS AND WISE'S RESPONSE.**

Nowhere in Warrior and Diaz's grievance letter is there any assertion of a widely circulating claim for Wise's actions – that is, that Wise and possibly other UIUC administrators were influenced in their decision-making about Salaita by rich donor Jews to UIUC.

However, although neither Warrior nor Diaz argued for this position or asked you to investigate it, you apparently considered this appropriately within the ambit of your investigation, since you chose to explicitly address this controversy in your Report:

... On July 21, the Chancellor began receiving emails protesting the appointment of Dr. Salaita because of his tweets. Many of these emails have been made public as the result of a Freedom of Information Act request, and the fact that some came from donors has been widely reported. **The Chancellor has stated that donors in no way influenced her actions with regard to Dr. Salaita. This investigation found no evidence that they did.**<sup>36</sup> (Emphases added.)

Question: you say you "found no evidence" to suggest Wise was influenced by donor pressure? What evidence, exactly, did you **actually look for** on this topic?

**12. IF YOU HAD ACTUALLY SOUGHT OUT EVIDENCE OF PRESSURE BY DONOR JEWS, WHAT FACTS WOULD YOU HAVE LOOKED FOR?**

In fact your Report contains **no evidence whatsoever** to justify your making your statement about donor pressure – the only "evidence" you pointed to was Wise's own remark that she wasn't influenced by donor Jews, a statement that's so clearly self-serving that it demands independent confirmation, even assuming it's completely true.

My goal here isn't to point a finger at what you did or didn't do – certainly your Report is extensive, and it clearly addresses a large number of important issues. However, given you yourselves brought the question of pressure by donor Jews into your Report, you undertook an obligation to do much more than rely only on Chancellor Wise's own statement to support this finding, especially because Wise has since used your "conclusion" as actual evidence supporting her original statement on which it was based:

I have to say that one of the things that really pleased me about the CAFT report is that they **found no evidence** that I was influenced

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<sup>36</sup>CAFT Report, page 6, internal cite omitted.

by donors, which had been one of those rumors that had gotten out there.<sup>37</sup> (Emphases added.)

Given this duty you explicitly undertook, what facts should you have collected as evidence for or against the claim of pressure by Jews on Wise? There are two points here: 1) was there such pressure; and, 2) if there was, did Wise act **because of** this pressure?

Here there's no question that a number of Jewish donors to UIUC stated they'd either stop donating or consider stopping donating as a result of the Salaita hiring – your Report contains a number of emails to Wise from Jewish donors that make this basic statement – clearly “pressure,” however you'd wish to construe the term.<sup>38</sup>

13. **CIRCUMSTANTIAL EVIDENCE OF WISE RESPONDING TO PRESSURE BY JEWISH DONORS?** On the other hand, the question of Wise's acting because of this pressure is murky. Clearly there's no smoking-gun statement by Wise that would make the analysis simple, something like Wise saying, “we have to stop the Salaita appointment because rich Jews won't donate unless we do.”

Instead, supporters of the “because of pressure by donor Jews” argument have relied on circumstantial evidence, particularly a series of emails in which Wise rearranges her schedule in order to meet Steve Miller, the Jewish UIUC alum who over the years gave about \$1-2M to the university, and who sent Wise that 4:31 pm email on July 23rd to discuss the Salaita hiring. Thus Scott Jaschik of *Inside Higher Ed* reported the following based on the information he received by FOIA<sup>39</sup> from UIUC on communications to Wise about Salaita:

While many of the emails are fairly similar, some stand out. For instance, there is an email from Travis Smith, senior director of development for the University of Illinois Foundation, to Wise, with

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<sup>37</sup>“Q&A with Phyllis Wise,” Julie Wurth, *News-Gazette*, 1/25/15, available at [Gazette-Wise](#).

<sup>38</sup>Note that donated money almost invariably comes with donor expectations, and that **any** donor, Jewish or otherwise, likely wants something in exchange for her donation. Whether this is or isn't deplorable, it is action that's both predictable and legal. To quote briefly from a reasonable article in the *Los Angeles Times* on the Salaita affair in the larger context of donor influence on universities (internal links omitted):

... Wealthy donors today seldom have an interest in independent, objective academic study; they're interested in advancing their own notions of how the world works or should work – in ideology, not ideas. ...

(See “The Salaita case and the Big Money takeover of state universities,” Michael Hiltzik, 9/15/14, available at [LA Times – Hiltzik](#)).

The larger question is how the official(s) receiving the money act – thus, in the Salaita affair, whether Wise acted appropriately in response to donor pressure.

<sup>39</sup>FOIA 14-535.

copies to Molly Tracy, who is in charge of fund-raising for engineering programs, and Dan C. Peterson, vice chancellor for institutional advancement. The email forwards a letter complaining about the Salaita hire. The email from Smith says: "Dan, Molly, and I have just discussed this and believe you need to [redacted]." (The blacked out portion suggests a phrase is missing, not just a word or two.) Later emails show Wise and her development team trying to set up a time to discuss the matter, although there is no indication of what was decided.<sup>40</sup> (Bracketed text in original.)

Note this is the email I presented earlier (page 8) in my timeline of events on 7/23, the day before Wise and the Board of Trustees met in a separate executive session of their normal meeting to discuss Salaita.

Jaschik's "trying to set up a time to discuss the matter" was soon picked up on by a variety of sources as an example of Wise's "scrambling"<sup>41</sup> to appease the letter-writer – UIUC Jewish donor Steve Miller – and therefore evidence of Wise succumbing to donor pressure by Jews in her decision-making on Salaita.

14. **JEWISH DONORS, WISE'S MOTIVES AND THE ELEPHANT IN THE ROOM — CARLE HOSPITAL, THE \$100 MILLION DONOR FOR THE PROPOSED COLLEGE OF MEDICINE ("COM").** I've no wish to create a straw-man to replace the wide variety of arguments made by those who believe Wise's actions on Salaita resulted from pressure from donor Jews. These are very different arguments made by very different people, and it's unreasonable to lump them all together in terms of what they claim.

On the other hand, all of these arguments do share the following touchstone points: 1) large amounts of donor \$ at issue; 2) UIUC "scrambling" to accommodate donors; 3) too-chummy relationship with donors, not arm's-length;

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<sup>40</sup>"The Emails on Salaita," Scott Jaschik, 8/25/14, in *Inside Higher Ed*. Available at [Inside Higher Ed](#) – Jaschik.

<sup>41</sup>Corey Robin may have been the first to use this word, specifically in his blog posting of 9/2/14 ([Reading the Salaita Papers](#)):

Apparently, Carol Tilley on Twitter revealed earlier today the identity of that the alum whom Wise scrambled to rearrange her schedule over. His name is Steve Miller; the UIUC redactor failed to catch it. Tilley then tweeted some other information about Miller. He's a huge venture capitalist. In 2010, he donated a half-million dollars to endow a professorship in the UIUC business school. He's given money for years to endow the Steven N. Miller Entrepreneurial Scholarships. He believes in "venture philanthropy." And he's on the board of Hillel.

(Internal links omitted.) Note that I don't agree with Mr. Robin on a number of statements here; and Miller's certainly not a "huge venture capitalist" by any standards.



and, 4) failure to follow normal UIUC decision-making processes. That is, these arguments involve the kind of evidence you'd look for to build a circumstantial case for a quid-pro-quo relationship.

Question: if these are reasonable indicia for how Wise was influenced by donor Jews, why haven't these indicia also been tested by you against what's clear from constant public discussion is the **single biggest donor issue** at UIUC at the time of the Salaita affair – the donation of \$100M over 10 years by the Carle Hospital system as part of its long-term and highly-entangled involvement with Wise and other senior UIUC administrators to drive through and construct the proposed College Of Medicine ("COM") at UIUC.

15. **CARLE/COM FITS THE CIRCUMSTANTIAL CASE FOR A QUID-PRO-QUO INFLUENCE FAR BETTER THAN DO DONOR JEWS.** Chancellor Wise wants UIUC to have its own College of Medicine, and Carle hospital (the local hospital system) has promised to put up \$100M over 10 years to make Wise's dream a reality.

Why is this relevant? Simple – since the argument's been made (repeatedly) that Steve Miller had Wise scrambling over several million, it's **obligatory** to ask whether this **Jew** donor narrative fits as well – or better – when the donor isn't a Jew but a billion-dollar hospital system (Carle hospital),<sup>42</sup> and the amount it's donating is **\$100M**, and not just a few million.

Actually, it's not just Carle hospital. Consider the composition of the "Economic Development Advisory Group" that advised Wise on the COM:<sup>43</sup>

- Ilesanmi Adesida;<sup>44</sup>
- Dan Peterson;
- Michael DeLorenzo;
- Pradeep Khanna;
- Laura Frerichs;
- Peter Fox;
- Jim Leonard;
- Greg Lykins; and,

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<sup>42</sup>The total revenue of Carle for 2013 was \$896M, the excess of revenue over expenses was \$198.6M. See the *Daily-Illini*, 11/20/14, Walbert Costillo, "Urbana rejects over \$100,000 from Carle Foundation Hospital" at [DI-Carle](#). The data cited in the DI article may be found at [Carle-Income Filings](#).

<sup>43</sup>FOIA 14-140.

<sup>44</sup>I've already discussed various Adesida emails above; note that Adesida's name appears almost ubiquitously in FOIA results relating to the COM. I refer the reader to these FOIAs for more detail.

- Rick Stephens.

It's hardly surprising that the UIUC members of this group are all high-level administrators (Adesida, Peterson, DeLorenzo, Khanna and Frerichs), and the other members high-powered businesspeople in the community (Fox, Leonard, Lykins and Stephens) – these are, after all, certainly the sort of people you'd want making recommendations about the local economy and the growth of UIUC.

That said, Fox is the developer who built the UIUC Research Park, and Laura Frerichs his former employee and now head of the Park.<sup>45</sup> Leonard is the president and CEO of Carle. Lykins is Chairman of the Board of the major local bank, Busey Bank, and a director of the UI Foundation.<sup>46</sup> Stephens is the founder of Horizon Hobby and sits on the Research Park's Board of Managers.<sup>47</sup> A small, powerful, tightly-knit group.

Again, it's hardly surprising that these people are powerful and interconnected, especially in a small community like Champaign-Urbana where UIUC is located. But if Wise's relationship with Miller and other donor Jews – also apparently a small tightly-knit group – was too chummy and resulted in Wise not following UIUC's standard procedures, what's the likelihood of the same being far more the case in Wise's relationship with Frerichs, Fox, Leonard, Lykins and Stephens?<sup>48</sup>

This isn't a question the proponents of the "pressure by donor Jews" theory have investigated; more to the point, **you haven't either**. Since you chose to explicitly address the claim of pressure by Jews, it's rather disturbing that you didn't widen this hypothesis and examine what clearly seem the more usual suspects.

16. **WISE'S JULY FROM A NON-SALAITA PERSPECTIVE.** There are a great many facts that support the idea that Wise's response over Salaita was far more the result of concerns about that \$100M from Carle and the support of Frerichs, Fox, Lykins and Stephens than it was over pressure by donor Jews. I won't go into any length here, as I've discussed the issue extensively on [samizdat-startups.org](http://samizdat-startups.org). But the FOIA results I summarize there clearly point to all of 2014 as a grand battle by Wise to get the COM approved, and show how involved and intertwined all of them were over this matter – Wise,

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<sup>45</sup>“Laura Frerichs is the University of Illinois Research Park Director and Director of Economic Development for the University of Illinois' Urbana-Champaign campus.” See [Bio-Frerichs](#).

<sup>46</sup>See [Bio-Lykins](#).

<sup>47</sup>See [Park-Stephens](#).

<sup>48</sup>Or for that matter the relationships of Adesida and Peterson – who've certainly also figured in the Salaita affair – with these local powerhouses.

Adesida, Peterson, Leonard, Fox, Frerichs.

The FOIA results also show that July was a particularly high-stress month for Wise, one where Wise was “scrambling” to respond to all sorts of pressures affecting UIUC’s relationship with Carle. Given that pressure, the sudden spotlight on Salaita was nothing if not badly timed for the whole COM campaign.

Consider the following:

- University of Illinois Chicago (“UIC”) opposed (and opposes) the UIUC COM and, as of the beginning of July had sent a group of consultants to ... well, here’s what Wise had to say about their coming:<sup>49</sup>

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**From:** Wise, Phyllis M [<mailto:pmwise@illinois.edu>]

**Sent:** Sunday, June 22, 2014 11:23 AM

**To:** Stephanie.Beever

**Cc:** James.Leonard

**Subject:** Meeting tomorrow

Dear Stephanie,

Please excuse my very late notice of a meeting on Monday from 2-3 that I would love you to participate in. Let me give you some background. I learned late last week that UIC had commissioned a firm (Manatt Health Consultants) to do a report that demonstrates that keeping the current organizational structure to the UIC COM that includes our campus. I learned that they want to come to Urbana-Champaign to interview some people. That meeting is tentatively being scheduled for July 2, mainly because that is the only day that I can do it.

We decided on Friday that we should get a small group of people (Ade, Mike D, Jennifer Eardley, Normand) together to prepare for meeting with Manatt. Again, the only time we could do it because of my schedule is 2-3 tomorrow. I would love you to participate because I want to suggest that you and Jim be two of the people that they meet with.

Is there any possibility that this would work for you either in person (my office) or by phone? Normand will be calling in. I am copying Jim so he knows what is going on. I will be meeting with him with the rest of the advisory committee tomorrow morning at 8 and will discuss this with them.

Thanks, and again, sorry for the late notice,  
Phyllis

Note that Beever is Senior VP at Carle, and Leonard is president and CEO of Carle. Clearly Wise was highly concerned about what the consultants would say, I’ll leave the rest of the back-and-forth to those interested in reading it in this FOIA result.<sup>50</sup>

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<sup>49</sup>FOIA 14-723 on “all communications between Chancellor Wise and James Leonard (Carle Foundation/Hospital), with such communications limited to those after 6/1/2014.”

<sup>50</sup>Again, FOIA 14-723.

- Two weeks later (July 14) Carle's request for a \$17.7M bed expansion came up before the Illinois Health Facilities and Services Review Board ("IHFSRB").<sup>51</sup> As I've described in detail on [samizdat-startups.org](http://samizdat-startups.org),<sup>52</sup> this expansion was opposed by the IHFSRB's internal analysts as well as the Presence Health system, the other major hospital in the area, which said approval would destroy its system.<sup>53</sup>

Even so, on June 23 Wise wrote a letter of support<sup>54</sup> for Carle's project to the IHFSRB, a letter in which she appeared more interested in the proposed COM and the relationship between UIUC and Carle than in the detailed explanation for how, exactly, more beds at Carle was something UIUC appropriately had a stake in:

The University of Illinois relies on Carle as the primary teaching site for College of Medicine students in Urbana, where residents and medical students and other health care degree candidates participate in delivering care at Carle in order to fundamentally advance their education. University faculty also partner with Carle on a number of clinical studies that require data and study participants. I am confident this research will continue to yield discoveries, particularly as Carle grows to meet the ever-increasing demand for care. The University and Carle are also considering a proposal to develop a college of medicine focused on engineering and clinical advancements. The two organizations are uniquely positioned, as a world renowned engineering school and highly specialized health system. The future of this education and research demands a hospital committed to providing the most advanced care to the region's residents when they are in need of Carle's specialized services.

(Single paragraph excerpted from Wise's two-page letter.)<sup>55</sup> Furthermore, apparently Wise felt supporting Carle's bed expansion was so important she sent Associate Vice Chancellor for Research Jennifer Eardley<sup>56</sup> to drive to the site of the meeting in Bolingbrook, IL, and stay there overnight before bolstering Carle's case ... all on Carle's dime.<sup>57</sup>

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<sup>51</sup>See project 14-015, available at [IHFSRB-Carle](http://IHFSRB-Carle).

<sup>52</sup>See [Big Donor Little University](http://Big Donor Little University).

<sup>53</sup>To quote a later article about the bed-expansion,

Carle was required to show its expansion is needed in this area, a contention vigorously opposed by Covenant officials, who predicted Carle's new beds will largely be filled by patients drawn away from Covenant.

See "Updated: Carle gets OK to expand," Debra Pressey, *News-Gazette*, 8/27/14, available at [Gazette-CarleExpansion](http://Gazette-CarleExpansion).

<sup>54</sup>See [IHFSRB-Wise](http://IHFSRB-Wise).

<sup>55</sup>I believe my reading of this letter is fair, but refer the reader to the letter itself (footnote 54) for cross-checking.

<sup>56</sup>See [Bio-Eardley](http://Bio-Eardley).

<sup>57</sup>See Carle's email to Eardley of 6/25/14, which I've previously posted and discussed (See footnote 52). As I noted, after I raised questions of the ethics of Eardley's being paid by Carle to lobby for them, she "didn't cash the check" she'd been cut by Carle for her gas costs. She did, of course, still stay overnight at their expense. And presumably ate and drank at their expense as well.

Before passing on to the events of the key week of the Salaita affair – July 21 to 25 – I'll note two things about the Wise/Eardley support at the IHFSRB meeting.

First, these events clearly involve rather close-dealings between UIUC and Carle. While this isn't proof of wrongdoing by any stretch of the imagination, it's very curious it wasn't in your investigative sights as squarely as the circulating question of influence by Jew donors, which, after all, has been alleged largely based on claims to close-dealings between Wise and those donor Jews.

Second, there's a real question of whether Wise followed standard UIUC procedures in her advocacy for Carle's expansion. Contrast Wise's lobbying for the Carle bed expansion with Wise's **refusal** to participate in what's clearly of intimate concern to UIUC: the hostilities in UIUC's own community between Carle and Urbana over Carle's payments of Urbana city taxes.<sup>58</sup>

[Urbana mayor Laurel] Prussing met Friday [12/12/14] with Chancellor Phyllis Wise and invited the UI to co-host a community forum on Carle, which is embroiled in a battle with the city over tax exemptions. The chancellor declined.

"We appreciate Urbana's situation, but this discussion should be led by Urbana, not the university," Wise said Monday through a spokeswoman.<sup>59</sup>

Why would it be appropriate university procedure for Wise and other top UIUC officials to lobby at the IHFSRB meeting for Carle's bed expansion against the stated concerns of Urbana and Presence Health, and inappropriate for Wise to speak at another public meeting, this one on the issues between Urbana and Carle hosted by Urbana's mayor?

Or to put it more plainly, since you concluded that the Jew donor claims deserved addressing in your Report, why didn't you apply the same standards that led you to raise that issue as affecting the Salaita decision-making and also address donor pressure by Carle and the local developer (Fox) and other business leaders on Wise over the Carle bed approval and, more generally, the COM, as also critically important to why Wise made her decisions on Salaita?

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<sup>58</sup> Actually, the conflict's more broadly over city taxes, school taxes, park taxes and county taxes. There are many articles on this topic, and I'm the first to say my own bias is tilted towards Carle's own promise of in-lieu-of taxes. For a recent article see "Prussing vs. Carle," Debra Pressey, *News-Gazette*, 1/26/15, available at [Gazette-Urbana-Carle](#).

<sup>59</sup> "UI won't join Urbana meeting on Carle," Julie Wurth, *News-Gazette*, 12/16/14, available at [Gazette-WiseWon'tJoin](#).

- **THE WEEK OF JULY 21 TO 25 – SALAITA WEEK.** The effect of the COM maneuvering on Wise's decision on Salaita on July 24 is highlighted by Wise's actions over the COM and the businesses lobbying for it during the entire July 21 - 25 period – call it "Salaita week:"
  - **July 21.** Wise first hears about the Salaita tweets.<sup>60</sup>
  - **July 21 – 1:30 - 2:20 pm.** Entry on Wise's calendar: "Carle Financial Discussion. – Mike, Vicky Gress."<sup>61</sup>
  - **July 22 – 10:30 am - 2:00 pm.** Wise – a member of the Board of Busey Bank along with Greg Lykins<sup>62</sup> – attends a Board meeting there.<sup>63</sup> According to a very recent *New-Gazette* article it's quite possible Busey Bank is involved in either the fundraising or the funding of the new medical center:

Months before trustee approval of the medical school on March 12, as the UI was hiring a new president, Wise was laying the fundraising groundwork for the project.

Wise's 2014 calendar, obtained by The News-Gazette through the Freedom of Information Act, shows she met with Busey Bank officials and an unnamed donor on separate occasions in October [2014] to discuss the project.<sup>64</sup>

- **July 22 – 1:00 - 2:30 pm.** Wise attends a meeting of the Senate Executive Committee ("SEC").<sup>65</sup> The committee minutes state that Wise:

... distributed a draft proposal document for establishing a College of Medicine at the Urbana- Champaign Campus. At the previous SEC meeting a subcommittee was formed that included SEC members Hilton, Miller, Tolliver, Campbell, Aminmansour, Maher, and Wheeler. This subcommittee has since provided advice to the Chancellor on the steps necessary to establish a new college at Illinois.

[Paragraph Deleted]

Carle was chosen as the main partner as it is the only health care system in Illinois that has a clinic, hospital, and insur-

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<sup>60</sup>CAFT Report, page 6.

<sup>61</sup>FOIA 15-019. Note that, although the calendar entry is to "Carle," an earlier letter from Wise to Gress on the 20th (FOIA 15-014) refers to the "COM financial model" as the topic of discussion.

<sup>62</sup>See Busey-Wise.

<sup>63</sup>See FOIA 15-019.

<sup>64</sup>"How do you raise \$200M?" Julie Wurth, *News-Gazette*, 4/5/15, available at Gazette-\$200M.

<sup>65</sup>Not to be pedantic, but Wise's calendar (FOIA 15-019) shows Wise traveling between 1:30 - 2:00 pm, presumably between the earlier Busey Board meeting and this SEC meeting.

ance company. Joseph Barkmeier, MD from Carle has been strategically involved with Carle. With his clinical work ending, he is excited to meet with and work with the University of Illinois at Urbana-Champaign.<sup>66</sup>

- **July 23.** Wise travels to Chicago in the afternoon for the Board of Trustees meeting the next morning. See page 7 for my earlier exegesis on the Salaita-related events of this day.
- **July 24 – 9:00 am - 4:00 pm.** Meeting of the Board of Trustees in Chicago. This is the BOT meeting at which Wise thought both she and the Trustees agreed she wouldn't forward Salaita's hire letter to them for approval.<sup>67</sup>
- **July 24 – 4:30 - 5:00 pm.** Wise has two calls with Carle personnel, the first with "[REDACTED] and Stephanie Beever," the second with "Stephanie Beever and Joe Barkmeier."<sup>68</sup>
- **July 25 – 2:00 - 2:30 pm.** Wise has call with Jim Leonard, CEO and president of Carle hospital.<sup>69</sup>

17. **BRIEF SUMMARY.** For roughly the first half of this open letter I discussed the absence of actual evidence in your Report, and noted how much evidence there was already available that UIUC apparently never provided you, and that you never sought. This raises significant questions about your analysis, since clearly your conclusions are only as good as the facts you gathered and considered.

In the second half of this open letter (beginning on page 11), I turned to the question of "donor Jews," and pointed out that:

- You were under no obligation to discuss the question of donor influence on Wise in your Report;
- Even so, you chose to speak to this question, but only by way of quoting Wise on Wise's motives, and by way of an un-sourced, un-cited and otherwise unsubstantiated assertion in your Report that you'd found no evidence that donors influenced Wise on Salaita;
- There are plenty of emails from Jews (and non-Jews as well) about Salaita; and there are a few from donor Jews. Therefore, I don't think anyone

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<sup>66</sup>See UIUC-SenateMinutes-7/22/14.

<sup>67</sup>See footnote 14 on page 6.

<sup>68</sup>FOIA 15-019.

<sup>69</sup>FOIA 15-019. Note the calendar entry has him misspelled as "Him Leonard."



would argue there was pressure on Wise/UIUC about Salaita, and that some of this pressure was from rich Jews;

- The question isn't donor pressure – from Jews or otherwise. The question is Wise's **own choice of actions** as a result of this pressure. Wise is under a set of constraints on how she may act with regard to donors ... did she choose to act appropriately in the Salaita affair, or didn't she?
- You gathered no evidence on this question. If you had, it would likely have been circumstantial evidence such as \$ at stake, pandering by Wise to the donors, cozy-relationships with donors and breach of usual UIUC procedures;
- You chose to consider donor pressure by Jews, but did **not** consider the most obvious pressure of all on Wise in the period of the Salaita affair: the approval of the proposed UIUC College of Medicine (COM), which Wise (and seemingly most of the top UIUC administrators) had been obsessed with for all of (at least) the previous 6 months, and which involved multiple rich businesspeople and, most markedly, Carle hospital, which plans to give \$100M over 10 years towards the project;<sup>70</sup> and,
- As I showed, there's abundant evidence demonstrating Wise's preoccupation with the COM and with the powerful people and entity whose cooperation and contributions were (and still are) critical to the success of the COM, a situation that fits perfectly with Wise acting quickly to suppress any bad press over UIUC.

In this regard, below I provide a very telling exchange that explicitly refers to this "overflowing plate" of Wise's at the time. As for almost all the emails and other evidence I presented above, this exchange was never previously released by UIUC before my source obtained it via FOIA.<sup>71,72</sup>

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<sup>70</sup>This number is actually much larger, if you take into account all the time and cash outlays Carle's already put into the project, and also of course the not inconsiderable amount Carle stands to gain by the relationship.

<sup>71</sup>FOIA 15-024. I don't yet have the specifications of the search.

<sup>72</sup>Note that there's apparently an art to obtaining **any** information from UIUC-FOIA, much less informative information. Thus UIUC-FOIA routinely rejects some FOIA filings as unduly burdensome while responding to others – see FOIA 14-849 for examples of multiple similar filings, only some of which were answered.

The irony is that the rejection as "unduly burdensome" can easily be overcome by unbundling a single filing into multiple **separate** filings; however, too many separate filings incurs a classification as a "recurrent requester," which results in UIUC-FOIA being able to delay even the most mechanical responses by months.

There are also some critical questions that remain to be answered about UIUC-FOIA's entire procedure for production of documents. One of my sources earlier today (4/15/15) provided me a copy of a letter from UIUC-FOIA in that person's appeal before the Illinois Attorney General (AG's of-

**From:** Wise, Phyllis M  
**To:** Kaler, Robin Neal  
**Cc:** Adesida, Ilesanmi; Peterson, Dan C  
**Subject:** RE: Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class  
**Date:** Tuesday, July 22, 2014 10:22:00 PM

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Yours isn't empty either...

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**From:** Kaler, Robin Neal  
**Sent:** Tuesday, July 22, 2014 10:13 PM  
**To:** Wise, Phyllis M  
**Cc:** Adesida, Ilesanmi; Peterson, Dan C  
**Subject:** RE: Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class

Bless your heart. As if you didn't already have an overflowing plate

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**From:** Wise, Phyllis M  
**Sent:** Tuesday, July 22, 2014 10:13 PM  
**To:** Kaler, Robin Neal  
**Cc:** Adesida, Ilesanmi; Peterson, Dan C  
**Subject:** RE: Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class

No, I just said that we have received several emails and are looking into it. I have written an email to Robert Warrior to find a time to talk with him

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**From:** Kaler, Robin Neal  
**Sent:** Tuesday, July 22, 2014 10:05 PM  
**To:** Wise, Phyllis M  
**Cc:** Adesida, Ilesanmi; Peterson, Dan C  
**Subject:** RE: Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class

Thanks. Did you use the same type of response you gave [REDACTED]

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**From:** Wise, Phyllis M  
**Sent:** Tuesday, July 22, 2014 10:03 PM  
**To:** Kaler, Robin Neal  
**Cc:** Adesida, Ilesanmi; Peterson, Dan C  
**Subject:** FW: Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class

I've responded to [REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, July 22, 2014 9:46 PM  
**To:** Wise, Phyllis M  
**Subject:** Apparently, a new Member of the LAS Faculty is bringing publicity to the University before he has taught a single class

**Heads up**  
You are going to be hearing a lot about this new arrival on the UIUC campus.

fice 2015 PAC 33900). In this letter, UIUC-FOIA freely admit that they pass FOIA requests on to the individuals likely to have the information and then **allow those people to self-select the emails they provide**; they also freely admit that there are apparently **no procedures in place for undeleting already-deleted emails**, although their language about this process is so clearly intentionally obfuscatory, it'll be multiple rounds before the AG's office before there's any hope of getting a straight answer:

According to Joe Barnes, the Chief Privacy and Security Officer for the University's Urbana campus, an employee has the same access to his or her own deleted emails as IT staff members. [That access is of course not stated in the letter] After a certain period of time, [Also not stated in the letter] a deleted email is removed from the system and neither the employee nor the IT staff member can access that email again. Emails are archived in only very rare circumstances, such as when certain high level administrators leave the University, and so there is ordinarily no archival source to search. This would be particularly true, as here, where the emails sought were those of current employees.

You'd almost think they'd designed their system of getting FOIAs to allow for ... slippage.

**FINALLY, 1) NEXT-STEPS & 2) WHY I CARE.**

1. **NEXT STEPS.** I've written this open letter to you, the Committee on Academic Freedom and Tenure ("CAFT"), not to re-litigate the conclusions of your Report on the Salaita affair, but rather to point out in granular detail based on evidence obtained by FOIA how your investigation was inadequate in terms of the facts you were either 1) given by or 2) those you actively sought and obtained from UIUC regarding the Salaita affair of summer, 2014.

In this regard, it's clear there were many emails you were never provided by or sought from UIUC that were important if not critical to your mandate to investigate the actions of UIUC and Chancellor Wise and, in doing so, create a Report that appropriately discharged your duties to Professors Warrior and Diaz to respond to the grievance letter they filed. To give just one example, your statement that Wise operated in a vacuum without faculty consultation does not appear to fit the facts I've presented.

Beyond your failure to pass this very basic threshold of evidence-gathering, I've also highlighted your weighing in on the question of pressure by donor Jews without any obvious mandate to do so. I don't dispute your choosing to take up this topic; on the other hand, having taken it up it's clear you made no effort to gather any facts for your conclusions on it. As I've said, your sole "evidence" was Wise's own statement on Wise's own actions.

You stated on March 20, 2105, that your investigation is now closed. However, your investigation was clearly deficient from the get-go in terms of your failures to be provided with and to seek out evidence. Missing data axiomatically produces bad results – in this case, an extensive Report with an "analysis" based on no evidence to support it.

Therefore, in this open letter I call on you to:

- Reopen your investigation and then actually seek facts from UIUC that it did not provide you;
- Do this because it's the only way you can appropriately discharge your duty to Professors Warrior and Diaz to address their grievance letter; and,
- When you reopen the investigation, make a real effort to do more than allow Chancellor Wise to speak for herself about her actions in response to pressures from Jew donors. You did no favor to her, to UIUC or to Jews everywhere by allowing this tautology to stand as "evidence" when you could have gathered actual facts on the issue and thereby reached actual conclusions.

2. **WHY I CARE.** This open letter is already long, but I've one more item to address: why I care about the Salaita affair enough to spend the time to gather these facts and report them.

In this regard, my reasons are quite straightforward:

- **I'm a proud native of Champaign-Urbana, the central Illinois mecca where UIUC is located.** I was born in New York City, but moved to CU when I was 2.5 – my father took a job at UIUC as a professor of engineering. I grew up in CU, went to the local grade school, junior high and high school. I wasn't born here, but it's my town, I'm proud of it, and I'm proud of UIUC. So I take all UIUC actions personally.
- **I'm a proud alum of UIUC, as is my mother.** I got my B.S. at UIUC in biochemistry; my mother (Mickey Scheinman)<sup>73</sup> got her doctorate at UIUC in Art History, and wrote a very popular guide book to the art at the UI.<sup>74</sup> I'm proud of my alma, I'm proud of my mother's alma. I'm proud of where my father taught for so many years. So as odd as it might sound to some, actions UIUC takes or fails to take make me either swell with pride or cringe.
- **I hold UIUC to the highest ethical standards; those standards don't allow for covert decision-making.** Whatever the specific facts in the Salaita affair, it's clear that many decisions were made by a small group of people acting in secret. That's wrong by any standards, and it's **certainly** deplorable action for a great public university – especially when that university is my alma mater.

Understand that I don't dispute the possible reasonableness of un-hiring Salaita, although I don't myself think his tweets were anti-semitic or that he in any way went beyond the encouraged ambit of faculty free-speech.

On the other hand, I do **absolutely** dispute the decisions to un-hire him being made in secret – even with very likely considerable faculty involvement I've discussed.<sup>75</sup> The NSA may operate in secrecy; great universities do not, should not and must not.

- **If you were going to step up to the plate and reinforce “shared governance,” when did you plan on doing so?** In your Report you go to great lengths to trumpet the importance of “shared governance” in balancing the powers of UIUC faculty, administrators and the Trustees. How did accepting the facts UIUC chose to provide you without demanding more

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<sup>73</sup>Officially Muriel Scheinman, Ph.D.

<sup>74</sup>See A Guide to the Art at UI.

<sup>75</sup>The claims of your Report to the contrary.

information – without demanding even **already public** information – help distribute power back to the UIUC faculty?

- **Speaking as a Jew (which is what I am), you did us no favors by recycling Wise's own statement on her decision-making and then doing no verification of what she said.** Throughout this open letter I've made a very conscious decision to use "donor Jew" or "Jew donor" as often as possible, and "Jewish donor" as rarely as I could. I did this to remind myself that I'm a **Jew** (the strident identification with the group) and not just **Jewish** (soft and conciliatory at best).

As a Jew I'm brought up short whenever I see conspiracy theories about concerted actions by "the Jews," or claims that anyone Jewish is automatically one of "The Jews" and therefore automatically a supporter of Israel."<sup>76</sup> Although I don't accuse the supporters of the "donor Jew pressure" theory in the Salaita affair of anti-semitism, as a Jew I cringe at the reinforcement this narrative provides for covert anti-semites who really do believe in concerted and covert actions by "the Jews."

In your Report you brought up the controversy of "donor Jews" only to defer to Wise on it without doing your own investigating. By doing so you encouraged the continued propagation of covert anti-semitism, that is, you perpetuated the narrative of Jews acting in secrecy to accomplish some shared goal – in this case Salaita's un-hiring.

Truth is, there obviously was pressure by donor Jews – and also pressure by non-donor Jews and by non-Jews. It was up to Wise to handle this pressure appropriately, and your failure to even **attempt** to probe this question did nothing but let the question – and the underlying anti-semitic meme – fester.

You could have killed this meme by scrutinizing it – and you could have done even more by addressing that other donor group – the rich people and corporation (Carle) involved in the COM proposal that's obsessed Wise and other top administrators for the last year.

Instead you did nothing other than quote Wise on Wise. Your lack of scrutiny only made this meme more powerful. I find great fault with this, and it's another reason why I found the passion to write this open letter.

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<sup>76</sup>See for example the 4/14/15 article about Stanford in the *New York Times*, "Student Coalition at Stanford Confronts Allegations of Anti-Semitism," by Jennifer Medina, available at [Times-StudentCoalitionandPossibleAntiSemitism](#).

I'll end by saying that I wrote this letter to raise the issue of your absence of fact-gathering, and not to dispute the analysis (such as it was) that the dearth of facts you had allowed you to make.

Your mandate allows you to ask for public FOIAs, and it allows you to file FOIAs to follow up on issues you need to address. You appear to have taken neither action. And UIUC certainly hasn't provided you with much in the way of information that non-passivity on your part would have produced.

In light of this absence of evidence-gathering – partially your own fault but **certainly** a consequence of lack of real cooperation by UIUC – you **must reopen your investigation**. And this time aggressively pursue the information you need to reach ironclad conclusions about what went on in the Salaita affair, and especially between July 21 and July 25, 2014.



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